FILED
United States Court of Appeals
Tenth Circuit

October 1, 2010

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

JOHN HENTGES,

Plaintiff - Appellant,

v.

GIRL SCOUTS OF THE U.S.A. et al.; KATE GENAITIS, individually and in her official capacity as Consultant to the State Councils; GIRL SCOUTS OF COLORADO, et al.; VIRGINIA L. MASON, individually and in her official capacity as President and CEO; ANGELA LANGHUS-GANTT, individually and in her official capacity as Membership Executive; JULIANA RIED, MARGARET BERRY, LIA CHRISTIANS, and CAROL A. WALTER, individually and as a private citizens acting under color of state law; DENVER POLICE DEPARTMENT, et al.,; TONY DALVIT, individually and in his official capacity as Police Officer; RICHARD SEELEY, individually and in his official capacity as Police Sergeant; DENVER CITY ATTORNEY, et al.; MELISSA DRAZEN-SMITH, individually and in her official capacity as Assistant Director; E. GAY NIERMANN, individually and in her official capacity as Attorney and Child and Family Investigator,

Defendants - Appellees.

No. 10-1427
(D.C. No. 1:10-CV-02072-ZLW)
(D. Colo.)

ORDER

Before **KELLY, HARTZ,** and **HOLMES**, Circuit Judges.

The pro se plaintiff John Hentges appeals the district court's August 26, 2010 order. This court entered an order to show cause as to why the appeal should not be dismissed for lack of appellate jurisdiction. Mr. Hentges filed a response. After considering his response and the applicable law, we now dismiss the appeal.

Mr. Hentges appeals the order of the district court dismissing his children as plaintiffs in the case and directing him to correct identified deficiencies in pleadings previously filed. After entry of the district court's August 26 order, his own claims against all of the defendants remained. At the time he filed the notice of appeal, neither a final order disposing of all claims against all parties nor a final judgment had been entered.

This court generally has jurisdiction to review only final decisions of district courts. 28 U.S.C. § 1291. A final decision is one that "ends the litigation on the merits and leaves nothing for the court to do but execute the judgment." Riley v. Kennedy, 128 S. Ct. 1970, 1981 (2008) (internal quotation omitted). The district court's August 26 order is not a final decision.

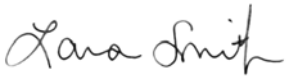
Furthermore, the district court did not direct the entry of final judgment as

to particular claims or parties under Federal Rule of Civil Procedure 54(b), nor is the order included under the final judgment exceptions listed in 28 U.S.C. § 1292. The order is not appealable as a collateral order under Cohen v. Beneficial Loan Corp., 337 U.S. 541 (1949), either. Finally, the fact that final judgment was subsequently entered does not confer jurisdiction to this court to review Mr. Hentges premature appeal of the August 26 order. FirsTier Mortgage Co. v. Investors Mortgage Ins. Co., 498 U.S. 269, 274-76 (1991).

In sum, interlocutory orders such as the one at issue here are not immediately appealable. Arthur Anderson & Co. v. Finesilver, 546 F.2d 338, 342 (10th Cir. 1976) ("Every interlocutory order involves, to some degree, a potential loss or harm. That risk, however, must be balanced against the need for efficient federal judicial administration, the need for the appellate courts to be free from the harassment of fragmentary and piecemeal review of cases otherwise resulting from a succession of appeals from the various rulings which might arise during the course of litigation." (internal quotations omitted)).

APPEAL DISMISSED.

Entered for the Court,
ELISABETH A. SHUMAKER, Clerk



by: Lara Smith
Counsel to the Clerk